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THE HAMPTON ROADS CONFERENCE: REMINISCENCES OF A CONFEDERATE CONGRESSMAN

THERE have been so many versions of the Hampton Roads Conference, and such a wide difference about the facts concerning it exists among men who had something to do with it, that I shall give the entire affair as I remember it, without regard to what others have said.

Among many of the members there was a growing belief, in the winter of 1864-65, that the Confederate cause would have to fail; the war, it was believed, would have to end in a short time, though this was rarely mentioned. My recollection is distinct as to the first conversation I had, looking to shaping results. It was about the early days of January, 1865, when Mr. John B. Baldwin, of Virginia, said to me that he had never before felt that he lacked the courage to speak when he felt he ought to speak; in conversation he said that he had that day had a talk with General Lee who told him the war would have to end.

Mr. Baldwin had served during the first year of the war as Colonel in the army under Lee; in the House he was known to be Lee's confidential friend, — a man of high character and loyal to the cause, though he had come to the conclusion that we were about exhausted. But he knew that Mr. Davis was strongly opposed to any attempt at peace, save on the basis of independence. Soon after this, in consultation with members who believed we were rapidly approaching the end, it was agreed, with a view of getting facts before Mr. Davis, that Mr. Baldwin should introduce, in secret session, a resolution simply looking to our ability to carry on the war; he did so; the resolution was passed and a committee was appointed. Mr. Baldwin was made chairman of the committee, which was composed of five members, including myself. We proceeded immediately to take the deposition of General Lee, who said, without qualification, that his army was being daily reduced, with no means of recruiting it; that Grant's army was being strengthened; that he would have to give up Richmond, and then his army would have to disband for want of supplies. In answer to direct questions put by Mr. Baldwin, he said that

he saw no means of increasing the army. Other general officers whose evidence was taken corroborated General Lee. This evidence was submitted to Mr. Davis, as I was informed by members of the committee, though I was not present at the interview. The members actively engaged in this movement believed the time had come, after General Lee's evidence was taken, when we should get the best settlement we could, and that independence was impossible. Mr. Davis believed in continuing the war, even if we had to give up Richmond. This was the rock on which the split came. A majority of the lower House—I cannot speak certainly for the Senators—were thoroughly convinced, and pressed the argument that the opinion of General Lee and other general officers given to a committee which they knew were considering the means of continuing the war ought to decide the issue, and that there should be no further sacrifice of life in a hopeless contest.

Mr. Davis adhered stubbornly to a cessation of strife on the basis of the independence of the Seceding States, and declined to take any action looking to a settlement on any other condition. Many of Mr. Davis's friends, without knowing the facts, have persistently denied this, and have unwittingly said that the Commissioners, when sent to Hampton Roads, were not restricted in their discretion to the basis of independence.

This point is conclusively settled by Mr. Davis himself, as hereinafter shown.

It was agreed among those who believed the time had come for a settlement that we should bring to bear on Mr. Davis a respectful and earnest appeal from the House of Representatives to at once inaugurate a movement looking to ending the war. Thereupon General J. D. C. Atkins and I drew up resolutions to be offered in secret session looking to the appointment of commissioners. These resolutions Mr. Atkins and I took to Mr. Stephens, who had just arrived in Richmond: I had never seen Mr. Stephens before, though Mr. Atkins had served with him in the United States Congress. He did not oppose the movement, but made certain suggestions. These resolutions

were offered in secret session and debated for a week or more, Mr. Davis's confidential friends in the House meanwhile opposing them. While the debate was going on, Dr. Thomas Menees and General J. D. C. Atkins and myself went out to the army. As we went—all knowing what General Lee had said, sustained by other general officers—we discussed our awkward position if asked to speak, as we frequently were, knowing a great secret—that in General Lee's opinion he would have to give up Richmond and disband the army for want of supplies—which we dare not whisper, and knowing that in failing to give words of hope, distrust might be inferred. The two gentlemen, Messrs. Menees and Atkins, are still living, and I am sure will remember the facts as I do.

The House, as it appeared, was certain to pass the resolutions with the names of Stephens, Hunter, and Campbell as the Commissioners, to be suggested to Mr. Davis, when a tacit agreement was made to stop the debate and Mr. Davis to appoint the three men named. The resolutions contemplated a large discretion in the Commissioners and all who favored the resolutions believed General Lee's evidence meant that the war had to close, and thereupon the restoration of the Union had to follow with the freedom of the slaves.

What instructions were given to the Commissioners, has been much discussed and strangely perverted.

Mr. Pollard, in his work, "The Lost Cause," says:

"Mr. Davis, in the statement of his views was remarkably liberal. He allowed Mr. Stephens to name for himself the associate commissioners, who were R. M. T. Hunter, of Virginia, and A. Campbell, of Alabama. He burdened him with no detail of instructions; he said 'I give you *carte blanche*, only writing on it the word Independence.'"

This is an error that should not have been made; certainly the facts ought to have been looked into before putting it in a book. It was well known at the time, at least among all who were in the confidence of Mr. Stephens, that he was not only surprised at his own appointment, but that he remonstrated in a most earnest manner; in fact protested against the appointment of both himself and Mr. Hunter, and argued that the greatest possible effort was being made to keep the

movement a profound secret, not to be known beyond the participants. That the disappearance of the Vice-President and the Speaker of the Senate from Richmond could not be kept from the public, and that it would, in the excited state of the public mind, leave many wild rumors.

Mr. Stephens in the "War between the States" shows these facts and how he was amazed that he could not control Mr. Davis. Stephens probably did not know that Mr. Davis was under a moral obligation to appoint the three men and no others. Friends of Mr. Davis, more zealous than intelligent, have constantly denied that Mr. Davis adhered to independence as a condition of entering upon negotiations at Hampton Roads, and that this limitation was put on their actions. It is due to Mr. Davis, as well as to the truth of history, to give the exact facts.

When the understanding was reached that the Commissioners should be appointed, the friends of the movement in the House had no thought of anything but a commission with large discretion. They believed that we had at last reached the point, under the effect of Lee's evidence, that the Union would have to be restored and that it was wise to ascertain on what terms. When the Commissioners returned, Mr. Davis sent the following message to Congress:

"I herewith submit for the information of Congress the report of the eminent citizens Stephens, Hunter, and Campbell, showing that the enemy refuses to enter into negotiations with the Confederate States or any one of them separately, or to give our people any other terms or guarantees than those which a conqueror may grant, or permit us to have peace on any other basis than our unconstitutional submission to their rule, coupled with the acceptance of their recent legislation, including an amendment to the Constitution for the emancipation of negro slaves, and with the right of the Federal Congress to legislate on the subject of the relations between the white and the black population of each State."

When this message was sent to Congress there was nothing known by Congress of the instructions given the Commissioners, but it was rumored that Mr. Davis had written the word "independence" on slips of paper and handed them as they left. This was not believed by members of Congress who had charge of the movement, and it was not true. This rumor is manifestly all that Mr. Pol-

lard had when he wrote the paragraph which I have quoted.

Mr. Davis in his work on "The Rise and Fall of the Confederacy" gives the exact facts, showing that on the day he made the appointment his instructions were given without the limitation, but the next day he gave other instructions limiting their power to a settlement between the two countries. They are as follows:

"In compliance with the letter of Mr. Lincoln, of which the foregoing is a copy, you are hereby requested to proceed to Washington City for conference with him upon the subject to which it refers."

This is the letter hereinafter referred to from Lincoln to Blair, in which he uses the words "Our Common Country."

Then the next day when the Commissioners left, Mr. Davis gave the following instructions:

"In conformity with the letter of Mr. Lincoln, of which the foregoing is a copy, you are hereby requested to proceed to Washington City for a formal conference with him upon the issues involved in the existing war and for the purpose of securing peace between the two countries."

I never knew what the terms were until I saw Mr. Davis's book. The force of these words, "the two countries," was well understood by both Mr. Davis and Mr. Lincoln.

In an abortive effort of Mr. Blair, about the 1st of January, 1865, to bring about a settlement, there was a play upon words. Mr. Davis, in a note to Mr. Blair intended for Mr. Lincoln's eye, said, that on assurances by Mr. Blair that an agent would be received he was willing to "renew the effort to enter into a conference with a view to secure peace *between the two countries.*"

Mr. Lincoln, with the same diplomatic use of words, replied to Mr. Blair for Mr. Davis's eye, that he was "ready to receive any agent Mr. Davis or any other influential person now resisting the national authority, may informally send me with a view of securing peace to the people of *Our Common Country.*"

The words, "the two countries" and "Our Common Country," was the rock on which diplomacy drew the line. I give these as the exact facts, so far as Congress had anything to do with the Hampton Roads affair, and without comment.

Mr. Pollard in "The Lost Cause" makes this remarkable statement:

"In the first months of 1865 General Lee held both Richmond and Petersburg, with not more than 33,000 men. At this time Grant's strength, as rated at the War Department in Washington, exceeded 160,000 men. Such was the disparity of force in the final array of the contest for Richmond. General Lee's line stretched from below Richmond on the north side of the James River to Hatcher's Run away below Petersburg on the south side. He had forty miles of defence, and it may well be imagined that with his little force posted over such a distance his line of battle was almost as thin as a skirmish line. Duty was incessant and it was fatiguing in the last degree. The Confederates had no resources, and when a brigade was taken to assist at some threatened point, the position it abandoned was in danger. But even in this extreme situation General Lee had not yet despaired of the cause of the Confederacy. He was gravely sensible of the danger; in frequent conference with the committees of Congress at Richmond, he stated frankly his anxiety, but urged levies of negro troops; he held out what hope he could and expressly and firmly discountenanced any surrender of the Confederate cause by premature negotiation with Washington."

This statement, however, needs qualification. There was but one committee appointed to take the evidence of or to confer with General Lee, that I ever knew or heard of—that was the Committee called into existence on the suggestion of Mr. Baldwin. I had never seen General Lee before, and his examination I can never forget, believing as I did that it would be the controlling factor in a decision of the deepest interest to the South. General Lee was a soldier and subject to orders, and did not go outside the questions asked. He was examined only about his army's situation. The striking features were that he would be obliged to give up Richmond and then disband his army for want of supplies. He was asked if he could suggest any plan for carrying on the war; he said he could not.

Mr. Baldwin put the pointed question to him as to what he thought about enrolling the negroes for the war; his answer was, in substance, that if it ever were practicable it certainly was not then. It is to be regretted that in a book so widely read as Pollard's "The Lost Cause," General Lee, whose common sense was in a great degree the motor in everything he did, should go into history as being in favor of putting the negro slaves into the war at a time when the want of supplies

to feed the army more than thinned the ranks, was the one insurmountable difficulty in its prosecution. Indeed, I know of but one general officer who at any time was in favor of putting the slaves into the army.

Immediately on the return of the Commissioners Mr. Davis made a speech to a popular audience at the African church—this was several days before the demonstration at which Mr. Benjamin spoke—and Pollard quotes him in that speech as follows:

“He declared that the march which Sherman was then making would be his last, and would conduct him to ruin; he predicted that before the summer solstice fell upon the country it would be the North that would be soliciting peace; he affirmed that the military situation of the Confederacy was all that he could desire, and, drawing up his figure, and in tones of scornful defiance heard to the remotest parts of the building, he remarked, that the Federal authorities who had so complacently conferred with the Commissioners of the Confederacy, little knew that they were talking to their masters.”

The literal accuracy of this speech, in view of Pollard's many inaccuracies, cannot be vouched for, but all who heard it know that it was highly inflammatory.

That some of Mr. Davis's friends have done him an injustice, in the general way in which they have spoken of his efforts for peace about the time of the Hampton Roads Conference, is manifest. Mr. Davis was anxious for peace, but to the last moment he made the independence of the Confederacy a condition of any negotiation, and after General Lee's surrender he went over to General Joe Johnston in North Carolina and urged the continuance of the war, and this he states in both the books he has published—‘The Rise and Fall of the Confederacy’ and in ‘A Short History of the Confederacy.’

Neither Congress nor the country knew what took place at Hampton Roads until Mr. Stephens's “War Between the States” was published. The Commissioners made to Mr. Davis a short report, which he sent to Congress, which was in substance what he had embodied in the short message which he sent in. The account, given by Mr. Stephens in the second volume of his work, of the interview is no doubt literally accurate. It is too long to be embodied in a magazine article; but if lecturers and critics had consulted this account there

would have been less speculative criticism.

From this careful reproduction of the conversation between Mr. Lincoln and Mr. Seward on the one side, and Mr. Stephens, Mr. Hunter, and Mr. Campbell on the other, these conclusions are reached:

First: the conversation was entirely informal, and no secretary was appointed and no record was kept.

Second: Mr. Lincoln made as a condition precedent to discussing terms the restoration of the Union. This being forbidden by Mr. Davis, in his instructions to the Commissioners, there was no discussion of terms: no conditions prescribed beyond becoming subject to the laws of the United States: so the discussion of terms in the sense of a settlement was not reached.

Third: There was a long informal conversation, in which Mr. Lincoln said that his proclamation did not emancipate the slaves, but the negroes who had served in the Union Army would be freed as a war measure.

Mr. Seward interposed and said that it was proper to inform the Commissioners that there was then pending in the House of Representatives a proposition to amend the Constitution and free the slaves; but suggested that if the Union were restored the Southern States had strength enough to defeat the amendment.

Judge Campbell now renewed his inquiry, how restoration was to take place, supposing that the Confederate States were consenting parties to it.

Mr. Lincoln replied: “By disbanding their armies and permitting the national authorities to exercise their functions.”

Mr. Stephens asked Mr. Lincoln what would be the status of that portion of the slave population in the Confederate States, which had not then become free under his Proclamation; in other words, what effect that Proclamation would have upon the entire black population? Would it be held to emancipate the whole, or only those who had, at the time the war ended, become actually free under it?

Mr. Lincoln answered that that was a question for the judiciary to decide. How the Courts would decide it, he did not know, and he could give no answer.

Mr. Stephens inquired how this matter could be adjusted, without some understanding as to what position the Confederate States would occupy towards the others, if they were then to abandon the war. Would they be admitted to representation in Congress?

Mr. Lincoln very promptly replied, that

his own individual opinion was, that they ought to be. He also thought that they would be; but he could not enter into any stipulation upon the subject. His own opinion was, that when the resistance ceased and the national authority was recognized, the States would be immediately restored to their practical relations to the Union. This was a form of expression repeatedly used by him during the conversation, in speaking of the restoration of the States to their practical relations to the Union.

After pausing for some time, his head rather bent down as if in deep reflection, while all were silent, he rose up and used these words, or practically speaking these words:

"Stephens, if I were in Georgia, and entertained the sentiments I do—though I suppose I should not be permitted to stay there long with them; but if I resided in Georgia, with my present sentiments, I'll tell you what I would do, if I were in your place: I would go home and get the Governor of the State to call the Legislature together then get it to recall all the State troops from the war; elect Senators and Members to Congress, and ratify this Constitutional Amendment *prospectively*, so as to take effect—say, in five years. Such a ratification would be valid, in my opinion. I have looked into the subject, and think such a prospective ratification would be valid. Whatever may have been the views of your people before the war, they must be convinced now that slavery is doomed. It cannot last long, in any event, and the best course, it seems to me, for your public men to pursue, would be to adopt such a policy as will avoid, as far as possible, the evil of immediate emancipation. This would be my course, if I were in your place."

Mr. Seward also indulged in remarks at considerable length on the progress of the anti-slavery sentiment of the country, and stated that what he had thought would require forty or fifty years of agitation to accomplish would certainly be attained in a much shorter time.

Mr. Hunter repeated his view of the subject. What else could be made of it? No treaty, no stipulation, no agreement, either with the Confederate States jointly, or with them separately, as to their future position or security! What was this but unconditional submission to the mercy of conquerors?

Mr. Seward observed that they were not conquerors further than they required obedience to the laws.

Mr. Stephens, in his account, and I quote literally, states that:

"Mr. Lincoln said it was not his intention in the beginning to interfere with slavery in the States; that he never would have done it, if he had not been compelled to do it to maintain the Union; that the subject presented many difficult and perplexing questions to him; that he had hesitated for some time, and had resorted to this measure only when driven to it by public necessity; that he had been in favor of the general government prohibiting the extension of slavery into the Territories, but did not think that the government possessed power over the subject in the States, except as a war measure; and that he had always himself been in favor of emancipation, but not of immediate emancipation, even by the States. Many evils attending this appeared to him. . . .

"Mr. Lincoln said that so far as the Confiscation Acts and other penal acts were concerned, their enforcement was left entirely with him, and on that point he was perfectly willing to be full and explicit, and on his assurance perfect reliance might be placed. He should exercise the power of the Executive with the utmost liberality. He went on to say that he would be willing to be taxed to remunerate the Southern people for their slaves. He believed the people of the North were as responsible for slavery as were the people of the South, and if the war should then cease, with the voluntary abolition of slavery by the States, he should be in favor, individually, of the government paying a fair indemnity for the loss to the owners. He said he believed this feeling had an extensive existence in the North. He knew some who were in favor of an appropriation as high as four hundred millions of dollars for this purpose. I could mention persons, said he, whose names would astonish you, who are willing to do this, if the war shall now cease without further expense, and with the abolition of slavery as stated. . . .

"Mr. Seward said that the Northern people were weary of the war. They desired peace and a restoration of harmony, and he believed would be willing to pay, as an indemnity for the slaves, what would be required to continue the war, but stated no amount. . . ."

On returning Mr. Stephens says,

"We had an interview with General Grant. He evidently regretted very much that nothing had been accomplished by the Conference."

A. S. COLYAR.

NASHVILLE, TENN.



